



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

each of which embraces a part of the usurious charge, each monthly installment paid by the borrower is to be treated as a separate and independent transaction, and if part of it be applied by the lender, with the consent of the borrower, to the usurious charge, the legality of the application cannot be challenged after the lapse of one year from the date of such payment.

SLAUGHTER V. DANNER.—Decided at Richmond, January 14, 1904.—*Harrison, J.* Absent, *Buchanan, J.*

1. PARTNERSHIP—*Settlements—Imperfect books.* A partner who has actively engaged in the management of the business of the firm, and in keeping a large and important part of its books, has the burden, in a suit brought by him for the settlement of the partnership accounts, of showing that his co-partner is indebted to him. If, on account of the confused and imperfect condition of the books, no reliable settlement can be made his bill should be dismissed.

2. EQUITY—*Partnership settlements—Issue out of chancery.* It is one of the peculiar functions of a court of equity to settle partnership accounts, and this court will not reverse the action of the trial court in refusing to order an issue out of chancery to make such settlement. The object of an issue out of chancery is to aid the court in arriving at a conclusion, and whether it is desirable or not rests in the sound discretion of the court.

SMITH AND OTHERS V. MOORE, TRUSTEE.—Decided at Richmond, January 14, 1904.—*Cardwell, J.* Absent, *Buchanan, J.*

1. APPEAL AND ERROR—*Amount in controversy—Separate decrees against devisees.* Where there are no assets in the hands of the personal representative of a debtor out of which to pay a debt against the decedent's estate, it is proper to decree against each of the legatees or devisees for his proportion of the debt. Such a decree is in effect a decree against the decedent's estate, and if the aggregate amount of such decrees exceeds the minimum jurisdictional sum of this court, an appeal lies to this court on behalf of such legatees or devisees.

2. EXECUTORS AND ADMINISTRATORS—*Ex parte settlements—Evidence—Presumptions.* The fact that the *ex parte* settlement of a personal representative shows the payment of certain debts against his decedent's estate, does not raise a presumption of the payment of all other debts of the decedent entitled to priority of satisfaction over those paid.

3. LACHES—*Delay in prosecuting suit.* Apparent tardiness in the prosecution of a claim against a decedent's estate, which may be accounted for by the number and character of the claims asserted, and a protracted litigation over one of them, does not amount to such inexcusable delay on the part of a creditor as would justify a court of equity in refusing to grant him relief in the absence of evidence that his claim has been paid.

4. *WILLS—Debts charged on real estate—Equitable liens—Limitation of actions.* Where a testator by his will charges his real estate with the payment of his debts an equitable lien is created in favor of the creditors on his lands, in the hands of his devisees, to which there is no bar unless the debts are barred as against the estate of the testator.

5. *RES JUDICATA—Decrees—Collateral attack—Limitation of actions.* A decree in favor of legatees against an executor and his sureties, in a proper suit for that purpose, is conclusive as to the amount decreed, and also that the claim of the legatees is not barred by the statute of limitations. Such a decree so long as it remains unreversed, is binding on all of the parties to the suit in which it was rendered, and cannot be collaterally assailed.

6. *EQUITY—Creditor's bill—Decree for account* A suit brought by a single creditor to establish a debt against a decedent's estate becomes a creditor's suit by the entry therein of a decree for an account of debts against the decedent's estate, and the statute of limitations ceases to run from the date of the decree against all creditors of the decedent who come in under the decree.

WICK V. SCULL.—Decided at Richmond, January 14, 1904.—*Keith, P: Absent, Buchanan, J.*

1. *JUDGMENTS—Docketing—Notice—City carved out of county.* Docketing a judgment in the clerk's office of the county court of a county out of which a city is subsequently carved is not constructive notice of such judgment to a purchaser for value and without notice from the judgment debtor of land acquired by the latter several years after the incorporation of the city.

2. *EQUITY—Quieting title—Undocketed judgments.* A judgment, though not docketed in the county or corporation in which land lies, constitutes a cloud on the title of a purchaser for value and without notice of such land from the judgment debtor which he may file a bill to remove, as the fact of notice of the existence of the judgment may still be established by extrinsic evidence, and as long as such an issue can be made the judgment constitutes a cloud upon the title of the purchaser and depreciates its value.

WHITE HALL COMPANY V. HALL AND OTHERS.—Decided at Richmond, January 14, 1904. *Harrison, J. Absent, Buchanan, J.*

1. *CORPORATIONS—Admissions of general manager—Case in judgment.* The evidence in this cause, including the recent admissions in writing of the general manager, secretary and treasurer of the appellant company, shows that the appellant is not entitled to credit for the set-off asserted in this cause.

2. *CORPORATIONS—Admissions of officers and agents.* A corporation can only speak through its officers and agents, and their declarations, admis-